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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,743	12/21/2001	Thomas G. Triebs	KCX-495 (17557)	3702
22827	7590	08/23/2006	EXAMINER	
DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			SIMONE, CATHERINE A	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/036,743

Applicant(s)

TRIEBES ET AL.

Examiner

Catherine Simone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 54-63 and 65-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 54-63 and 65-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/3/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Repeated Rejections***

1. The 35 U.S.C. 103 rejection of claims 54-60, 62, 63 and 66-70 over Littleton et al. in view of Joung is repeated for the reasons previously set forth in the Office Action mailed 3/8/06, Pages 2-4, Paragraph #3.
2. The 35 U.S.C. 103 rejection of claim 65 over Littleton et al. in view of Joung and further in view of Littleton et al. is repeated for the reasons previously set forth in the Office Action mailed 3/8/06, Pages 4-5, Paragraph #4.
3. The 35 U.S.C. 103 rejection of claim 61 over Littleton et al. in view of Joung and further in view of Miller et al. is repeated for the reasons previously set forth in the Office Action mailed 3/8/06, Page 5, Paragraph #5.

### ***Response to Arguments***

5. Applicant's arguments filed 6/12/06 have been fully considered but they are not persuasive. Applicant argues "No teaching or suggestion exists in either reference that an outer RTV silicone layer of Joung could be used with an hypoallergenic substrate. In fact, Joung only discloses that their outer RTV silicone layer can be used with their allergenic substrate (natural rubber)....independent claims 54 and 67 patentably define over Littleton et al. and Joung, as no motivation or suggestion would have existed for one of ordinary skill in the art to combine these references as proposed by the Office Action". Applicant further argues "when properly viewed as a whole, there is simply no motivation to combine the references in the manner suggested in

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an attempt to render obvious the present claims". Furthermore, Applicant argues "Littleton et al. does not mention or even suggest that any layer can overlie the outside surface of the substrate body. As such, Littleton et al. does not provide any motivation or suggestion to add any layer overlying the outside surface of the substrate body. In fact, Littleton et al. discloses that the use of their synthetic elastomers (i.e., S-EB-S block copolymers) provides resistance to environmental degradation. See col. 2, line 3 and lines 37-40. Thus, one of ordinary skill in the art would not recognize any need for a chemical protection layer overlying said outside surface of said substrate body, such as required by independent claims 54 and 67".

In response to applicant's argument that there is no suggestion to combine the Littleton et al. and Joung references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, first, it is to be pointed out that both Littleton et al. and Joung teach elastomeric gloves. Littleton et al. clearly teaches an elastomeric glove including a substrate body shaped to the contours of the hand, the substrate body including a layer made of at least one elastomeric block copolymer such as styrene-ethylene-butylene-styrene triblock copolymer (see col. 3, lines 13-20), the substrate body having an inside surface and an outside surface (Fig. 2A, #24) and a donning layer overlying the inside surface of the substrate body and faces an internal, body-contacting surface of the elastomeric glove (see col. 3, lines 3-8) as claimed in the present invention. Joung was merely cited for suggesting that it is old

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and well-known in the elastomeric glove art to have a cross-linked, modified silicone elastomer layer overlying the outside surface of an elastomeric substrate body of a glove (see col. 3, lines 54-58) for the purpose of providing increased external slip resistance and an improved grip and further impart chemical resistance to the glove. Also, it is to be pointed out that the elastomeric substrate body of the glove in Joung can include other allergenic, nonallergenic and slip resistant elastomers i.e. synthetic elastomers as well as natural latex (see col. 5, lines 7-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the elastomeric glove in Littleton et al. with an outer layer of a crosslinked, modified silicone elastomer overlying the outside surface of the elastomeric substrate body as suggested by Joung in order to provide increased external slip resistance and an improved grip and to further impart a stronger chemical resistance to the glove. One skilled in the art would clearly be able to provide the outside surface of the substrate body of the elastomeric glove in Littleton et al. with a layer of a crosslinked, modified silicone elastomer in order to impart an improved chemical resistance to the glove and provide slip resistance, if so desired. Thus, the claims fail to patentably define over the prior art as applied above.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after


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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571)272-1501. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Catherine A. Simone  
Examiner  
Art Unit 1772  
August 15, 2006

  
RENA DYE  
SUPERVISORY PATENT EXAMINER

*8/15/06*  
*Tech Center 1700*